



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

JRE
Docket No: 6819-98
16 May 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 27 April 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you served on active duty for training in the Marine Corps Reserve from 13 January to 27 May 1993, when you received an entry level separation for unsatisfactory performance and conduct. Among other things, you did poorly in training, failed an academic test, did not put forth reasonable effort, displayed a lack of upper body strength, exceeded weight standards, misappropriated and wrongfully possessed candy belonging to another Marine, and displayed poor personal hygiene. In addition, you expressed a desire to quit recruit training. Your contention that you were surprised when you recently learned that you had been discharged for entry level performance and conduct, rather than because of a knee injury, is belied by the evidence of record. On 12 May 1993, you signed a document in which you acknowledged that you were being processed for separation because of entry level performance and conduct and lack of reasonable effort. The Board noted that you had a pre-service knee injury, and that you were given diagnoses of a quadriceps strain and iliotibial band syndrome while on active duty, which had an adverse effect on your performance; however, there is no evidence that you sustained a significant knee injury during your brief period of active duty for training. The Board was

not persuaded that you were unfit for duty because of a condition which was incurred in or aggravated by your service, which is a prerequisite to disability retirement or separation from the armed forces. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director